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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,627	01/04/2001	Freddie Geier	001580-718	2986

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/755,627	Applicant(s) GEIER ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response of 8/31/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10,12-19,21-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10,12-19,21-27 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2165

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

Response to Arguments

1. Applicant's arguments filed 8/31/2007 have been fully considered but they are not persuasive.

{A} In re pages 3-, "The Examiner then appears to impermissible glean through applicant's disclosure ..."

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Based on *McLaughlin* the examiner had located teachings based on applicant's disclosure, but did not only rely on applicant's disclosure to determine obviousness.

The examiner has shown prior art to support obviousness.

Art Unit: 2165

Therefore, applicant's disclosure is a guide to locate similar teachings in the art, therefore, not deemed impermissible hindsight.

The examiner has only relied upon prior art in light of applicant's disclosure, deemed required in view of applicant in light of claiming, such as, "the resource indications and the associated sector address regions are stored on the DVD in a manner that they are IGNORED by systems that do not support embedded information".

Applicant has committed continuously to reciting negative limitations, thereby making it necessary or warranted to refer to applicant's disclose to ascertain the scope of the claimed invention in the action. Applicant details are compared with the prior art used only to add clarity to the examiner's position, thereby expediting prosecution.

{B} In re page 5, applicant argues Bugnion and/or Olson not teaching details associated with resource indications.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 2165

Bugnion has been introduced to teach the concept of an extension that is not permanent, that can be removed, thereby restoring the software back to an original state, therefore, even if the extension caused lack of backward compatibility, by removing the extension provides backward compatibility, as applicant describes the same issue (applicant page 3).

{C} In re pages 6-, applicant argues Olsen.

In response the examiner relied upon Olson to clarify the claimed negative limitation such as "resource indications ... are ignored by systems that do not support embedded information".

Olsen can be interpreted as a teaching under obviousness or even under anticipation, with respect to software or a driver acknowledging the existence of stored information.

Col. 5, lines 30-49, which states, "Typically the operating system 26 will load device drivers 28 to permit access to various peripheral devices. Referring again to Fig. 3, in one embodiment of the present invention the operating system 26 loads a device driver 28 that is aware of the second memory region 42 and is able to access its contents ... invokes operating system functionality to enable access."

Based on Olson as interpreted it is rendered obvious if not inherent, that when a driver or software, routine is not

Art Unit: 2165

programmed to utilize or access an area or field on any storage, clarifies that since not aware, will in effect ignore the data not aware of, as is obvious to the examiner and deemed also obvious to those skilled in the art at the time of the invention, with Olson in front of themselves.

The suggestion that the examiner had committed to impermissible hindsight, the examiner fails to agree, in view of showing prior art and interpreting for all claimed limitation with respect to the prior art in comparison with applicant's disclosure.

The examiner's job is to understand applicant invention by reviewing applicant's disclosure. Searching based on this knowledge and locate if any relevant art against the limitations as claimed in light of applicant's disclosure, based upon issues uncovered by applicant (solved background issue/issues).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2165

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-10, 12-19, 21-27, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870) and Bugnion et al. (US 6,496,847), as previously applied and further in view of Olsen (US 6,802,022).

Regarding claims 2-6, Kanazawa discloses and meets the recited limitations associated with a method and corresponding apparatus the method comprising the steps of:

- in an operating system (Fig. 17, "Multi-media Desk Top PC & DVD drive 111 and col. 10, lines 25-40, "NT sources and NT resources",
- checking a DVD for resource indications and address regions associated with the resource indications, met by detecting URLs on the DVD read out, which are located in NAV packs for URL addresses or regions having addresses, storing URLs or not (col. 16, EXIST OR NOT);
- while, playing the DVD, the OS of the PC, examines the data at addresses of requested (user initiated WEB button selection), for a match (met by Fig. 24D, col. 19, lines 11-25, "address at which the URL is written is specified in the operand of the "jump URL"), associated with the addresses associated with the resource indications;
- if a match is found (address location & URL exist), in the operating system starting an application program (see Browser) and providing the resource indication (URL to browser) having the matching associated address (Nav_pck and URL has a

Art Unit: 2165

addresses), to the application program to obtain a resource (WEB page).

Met by col. 16,

- o WEB button pressed,
- o Acquires a navigation pack having an associated address (address of NV_PCK),
- o URL present (match met by YES URL exists and no met by no URL, in NAV_PCK data which was read from an address),
- o IF, URL not exist, playback continued and
- o IF, URL exists, pause reproduction, store position and state of the DVD video presently being reproduced and trigger browser (Internet-HTML, pages), col. 16.

The claims further recite, wherein,

"... the starting and providing steps are not done under the control of DVD player software."

This last limitation is read from applicant's specification for clarity.

Pages 2-3 of applicant's specification:

"In a preferred embodiment, the embedded information is supported by the operating system, preferable an extension of the operating system.

"Having the operation of the system of the present invention independent of the control of a DVD player software is advantageous. One way to support embedded information for DVD is to have the DVD player software modified to support such embedded information. The problem with modifying the DVD player software is that it requires such DVDs with embedded information to be used only with the DVD player software systems that support embedded information. Thus the embedded-link system would not work with all of the DVD player software that, support the DVD specification. By using operating system software, in particular operating system extension software, this problem is avoided. The system of the present invention can be used with a variety of different DVD player software systems without requiring any modification to the DVD player software.

Art Unit: 2165

Page 4 of applicant's specification:

"The operating system extension 32 can be for example, a dynamic loaded library, driver or other unit. The operating system extension 32 examines the DVD data sector address for sectors associated with resource indications."

Therefore, the recited limitation,

"... the starting and providing steps are not done under the control of DVD player software.", is met by the OS with extension, to handle extraction of the URLs and providing the URL to the browser, through the OS with extension and browser software installed to the OS.

Therefore, in accord to Kanazawa col. 2 and col. 10, the programs are loaded into RAM from the DVD or another storage (such as a medium with the programs), col. 11, the programs are software programs playback control composed of driver groups.

In light of applicant's specification, using an operating system with some sort of extension is deemed met by Kanazawa.

In an alternative rejection 103 rejection, if it is deemed that Kanazawa fails to clearly show or describe the programs as a clear extension of the OS.

To add clarity to the rejection the examiner cites Bugnion, which teaches and recites, at col. 15, lines 25-34,

"The legacy virtual machine monitors from Microsoft are integrated as part of Windows95 and Windows NT. The implementation according to the invention is portable, requires only a simple extension (the driver 390) of the operating system (which can even be uninstalled when unused) and supports a full VMM", as taught by Bugnion."

As recited in claims 2-3, reads on an operating system such as NT windows is loaded with programs from the DVD, such as drivers, being an extension of the OS, can be uninstalled when unused, but, supports all VMM which was integrated vs. an extension, which allows for uninstalling when unused, as taught by Bugnion.

Art Unit: 2165

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Kanazawa by loading the program into the NT resource or an OS, as an extension, rather than a fully integrated program, as taught by Bugnion, having advantages of uninstalling when unused, which as those skilled in the art understand, uninstalling remove the driver or extension from the current RAM computer memory, thereby not using memory when not needed, reserving available memory for other concurrent applications, as is obvious to those skilled in the art.

Regarding claims 7-8, Kanazawa further meets the limitation of wherein the indication of the address region is a DVD menu or video indication (Fig.19 A, "WEB/WEB Link Button", or a video button or a menu to select from), from which the address region is determined (upon selecting the Button the address first is determined to exist, thereafter locates the HTML content, thru the browser based on the address and the region is determined, Based on the user selecting the button, or "user input detection" of the region of the Button on the screen, which has a region/location, on the screen);

O wherein the resource indication (Button), is a file indication (or an indication of possible URL leading to the corresponding HTML content itself through a browser).

Regarding claim 9, Kanazawa is deemed to further meets the limitation of: wherein the operating system produced a buffer (buffered DVD data to memory 12 in Fig. 17), of addresses (addresses over time, therefore, multiple), requested from the DVD player hardware (Fig. 16, "HARDWARE BLOCK", having 111, 112, 113, 114, 100), wherein thru the software in memory (col. 10, lines 27-35, in a RAM 2 or embodiment of Fig. 17, "RAM"), wherein the operating system examines the buffered data from the DVD for addresses corresponding to a resource indication (Fig. 17, CPU & software, with respect to Fig. 16, "SOFTWARE Block" having 201, 202, 117, 116), also see col. 17, line 49 to col. 18, line 36.

Regarding claim 10, Kanazawa is deemed to disclose all as recited, but, fails to disclose wherein the addresses are sectors, having data from the DVD stored in the buffer, over time, but fails to disclose a sectored format of the DVD.

The examiner takes official notice that the referring to a data structure of a disk having sectors is well known and obvious way to utilize sector-zed, data structure, therefore

Art Unit: 2165

it would have been obvious to one skilled in the art at the time of the invention to modify Kanazawa by utilizing a sector-zed data structure and locating data accessed through sector addresses as a means to address the data on the DVD, as is well known and conventional in the art, as section dividers or sectorized disk structure, on a disk or DVD, medium, is obvious and conventional data structure to conform to, as is obvious to those skilled in the art.

It is noted that Bugnion, teaches at col. 16, lines 26-35: "The device emulator 300 then uses the API 392 offered by the HOS 340 to emulate the I/O requests, that is, to read or write the disk SECTORS from the corresponding virtual disks 38. The call to the API is shown as path D, which call is passed in the conventional manner (path E) to the appropriate device driver 382 within the HOS 340 ..."

Bugnion teaches a disk having sectors being known in the art, supporting the official notice taken as being convention and well known.

Regarding claim 12-19, 21-27, 29-37, claims 12-, system claims, claims 21-, computer program, claims 29-, apparatus, are deemed analyzed and discussed with respect to the claims above.

Further regarding amended claims 2, 12, 21, 29, which all have been amended to further recite,

"wherein the resource indications and the associated sector address regions are stored on the DVD disc in a manner that they are ignored by systems that do not support embedded information."

To address this limitation the examiner first cites Kanazawa, which states col. 2, lines 1-7,

"a system which enables DVD video titles to be combined with the Internet by an effective use and simple expansion of the DVD standard without changing the standard by which realizes a new service where DVD video titles are combined with hyperlink contents, such as HTML files, provided on the Internet."

The examiner additionally cites applicant disclosure, page 3, which states,

Art Unit: 2165

"In one embodiment, the resource indications and associated sector address regions are stored in an vendor specific field of a text portion of the file. Other players will not access this vendor specific field."

And, lastly the examiner cites Olson, which teaches at col. 5, lines 30-49, which states,

"Typically the operating system 26 will load device drivers 28 to permit access to various peripheral devices. Referring again to Fig. 3, in one embodiment of the present invention the operating system 26 loads a device driver 28 that is aware of the second memory region 42 and is able to access its contents."

Therefore, there exist a region having data which without a driver that is aware of the existence thereof, will effectively not use, not access or would ignore the region, in view of no knowledge of its existence.

Kanazawa stated that providing resource indications of the DVD without changing the standard, therefore, a suggestion of an additional, rather than a whole new standard, but, to maintain the standard and provide as an add on or a simple expansion of the standard or additional information expansion, using an area of the DVD to store these URLs.

Further as suggested above this passage suggests to the examiner by not changing the standard to maintain backward compatibility by not changing the standard to expand to include and realize this new service.

By expanding and not recreation of the new standard but, merely expending is deemed to maintain backward compatibility, as well as the ability for older players which correspond to the original standard, to play the DVD with URLs, but, having no knowledge of the URL stored, it is deemed obvious if not inherent, that the DVD with URLs would be ignored, because the players prior to the DVD without URLs are not aware of this expansion of data, which is a simply expansion of the DVD standard.

Based on the analysis above, it would have been obvious to those skilled in the art with Kanazawa, Bugnion, Olsen and applicant's own disclosure, in front of themselves would have rendered it obvious in view of a simple expansion of the DVD standard without changing the standard and that the software if not updated so that the software knows the existence of the areas having the URLs on the DVD, such as other players which are prior to a DVD with URLs, would have no knowledge of the

Art Unit: 2165

URLS, by maintaining the DVD standard without changing the standard, renders it obvious that the stored area of the URLs would be ignored, in view of no knowledge thereof and also no direction of use, as IDENTIFIED and taught by Olsen, as is deemed obvious and deemed conventionally known, to those skilled in the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2165

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent
11/24/07

Vincent M. Boccio
VINCENT BOCCIO
PRIMARY EXAMINER